

first Legislature, 2nd C. S., p. 157, Ch. 80, (Article 117a of Vernon's Civil Statutes and Article 1112a of Vernon's Penal Code) and declaring an emergency."

H. B. No. 97, A bill to be entitled "An Act amending Section 12 of Article 118a of Vernon's Texas Statutes; providing a saving clause and declaring an emergency."

H. B. No. 218, A bill to be entitled "An Act to amend Section 3, of Article 1287a of the Civil Statutes of the State of Texas, Revision of 1925, so as to increase the amount of the bond required by the livestock auction commission merchant; providing a method of fixing such amount; and declaring an emergency."

H. C. R. No. 29, Granting permission to Harry Lee Carter to sue the State of Texas and the Veteran's Land Board.

#### Executive Session

On motion of Senator Bracewell, and by unanimous consent, the Senate agreed to hold an executive session at 12:05 o'clock p. m. today.

Accordingly, the President directed all those not entitled to attend the executive session of the Senate to retire from the Senate Chamber and instructed the Sergeant-at-Arms to close all doors leading from the Chamber.

At the conclusion of the executive session, the Secretary of the Senate informed the Journal Clerk that the Senate had confirmed the following nominations of the Governor:

To be Criminal District Attorney for Smith County, Texas: Harry Loftis, of Tyler, Smith County.

To be member of the Public Safety Commission, for term to expire December 31, 1957: W. E. Dyche, Jr., of Houston, Harris County.

#### In Legislative Session

The President called the Senate to order as in Legislative Session at 12:10 o'clock p. m. today.

#### Adjournment

On motion of Senator Kelley the Senate at 12:14 o'clock p. m. adjourned until 10:30 o'clock a. m. on Monday, March 23, 1953.

#### Record of Vote

Senators Phillips and Willis asked to be recorded as voting "Nay" on the motion to adjourn.

#### THIRTY-FIFTH DAY

(Monday, March 23, 1953)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Moffett
Ashley	Moore
Bell	Parkhouse
Bracewell	Phillips
Colson	Rogers
Corbin	of Childress
Fuller	Rogers of Travis
Hardeman	Russell
Hazlewood	Rutherford
Kazen	Sadler
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Weinert
McDonald	Willis

A quorum was announced present.

The Invocation was offered by the Reverend W. H. Townsend, Chaplain, as follows:

Our Father, no man lives to himself and no man dies to himself. We pray that thou wilt make us fit to live with, and that as parents, private citizens, and public servants, it is possible to disagree and not be disagreeable about it. May mutual understanding and brotherly love possess all our hearts. For Christ's sake. Amen.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, March 19, 1953, was dispensed with and the Journal was approved.

#### Message from the House

Hall of the House of Representatives  
Austin, Texas,  
March 23, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 111, A bill to be entitled "An act appropriating money for the support of the State Government, and for State aid to designated public junior colleges; authorizing and prescribing conditions, limitations, rules, and procedures, for allocating and expending the appropriated funds; and declaring an emergency."

Respectfully submitted,  
CLARENCE JONES,  
Chief Clerk, House of Representatives.

**Senate Resolution 163**

Senator Rogers of Childress offered the following resolution:

Whereas, The girls' basketball team of Claude, Texas, the Mustangettes, distinguished themselves in the 1953 Texas Interscholastic League Girls' Basketball Tournament by capturing the Class B Championship; and

Whereas, The Mustangettes have demonstrated an outstanding spirit and superior skill by winning the State Class B Championship for Girls for the third straight year; and

Whereas, Four members of this winning team from Claude, Texas, received additional honors by being selected for the Girls' All-State Basketball Team: Latrice Moore and Jane Averyt as forwards and Mary Gillham and Betty Dawkins as guards; and

Whereas, Claude, Texas, and Armstrong County are proud of these fine young ladies whose outstanding accomplishments and superior athletic abilities on the basketball court won for them the distinction of being the best team within the Class B Division in the State of Texas for three straight years; and

Whereas, The Mustangettes have consistently displayed throughout the basketball season a fine sense of sportsmanship and team spirit; now therefore, be it

Resolved, By the Senate of Texas, that the Mustangettes of Claude, Texas, and their coach Mr. Wayne Mantooth be congratulated for their outstanding accomplishments and that they be highly commended for their loyal team spirit; and, be it further

Resolved, That the Senate of Texas send its best wishes to the Mustangettes for continued success in the future and that a copy of this resolution be sent to Coach Mantooth and a copy sent to each of the following members of the Champion Mustangettes of 1953 who contributed to the

winning of this high honor for Claude High School of Claude, Texas: Gayle Bryan, Rita Dye, Shirley Brown, Jane Averyt, Vesta Kelley, Pat Tims, Mary Gillham, Norma Brunson, Manager Winnie Lou Renfro, Latrice Moore, Betty Dawkins, Lorene Whelchel, Wanda Buchingham, Ruella McGowan, and Carolyn Christian.

The resolution was read and was adopted.

**Senate Bill 43 on Second Reading**

On motion of Senator Parkhouse and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 43, A bill to be entitled "An Act amending Title 46, Revised Civil Statutes of Texas, 1925: By amending Article 2465, Vernon's Revised Civil Statutes of Texas, 1925, as amended by Acts 1951, 52nd Legislature, page 233, Chapter 139, Section 5; and by amending Article 2477, Vernon's Revised Civil Statutes of Texas, 1925, as amended by Acts 1949, 51st Legislature, page 346, Chapter 173, Section 9, by providing for making loans and investing funds on real estate security under certain conditions, etc., and declaring an emergency."

The bill was read second time and passed to engrossment.

**Senate Bill 43 on Third Reading**

Senator Parkhouse moved that the Constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 43 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Latimer
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Colson	Moffett
Corbin	Parkhouse
Fuller	Phillips
Hardeman	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Kelley	Russell
Lane	Rutherford

Sadler  
Secrest  
Shireman

Strauss  
Wagon seller  
Willis

Absent

Moore

Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	McDonald
Ashley	Moffett
Bell	Parkhouse
Bracewell	Phillips
Colson	Rogers
Corbin	of Childress
Fuller	Rogers of Travis
Hardeman	Russell
Hazlewood	Rutherford
Kazen	Sadler
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagon seller
Martin	Willis

Absent

Moore

Weinert

#### Senate Bill 16 on Second Reading

Senator Rogers of Travis asked unanimous consent to suspend the regular order of business and take up S. B. No. 16 for consideration at this time.

There was objection.

Senator Rogers of Travis then moved to suspend the regular order of business and take up for consideration at this time S. B. No. 16.

The motion prevailed by the following vote:

Yeas—27

Ashley	Lock
Bell	Martin
Bracewell	McDonald
Colson	Moffett
Corbin	Parkhouse
Fuller	Phillips
Hardeman	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Kelley	Russell
Lane	Rutherford
Latimer	Sadler

Secrest  
Shireman

Strauss  
Willis

Nays—2

Aikin

Wagon seller

Absent

Moore

Weinert

The President laid before the Senate for consideration at this time the following bill:

S. B. No. 16, A bill to be entitled "An Act providing that designated beneficiaries or owners shall have an insurable interest in the life of the person who makes such designation in an application for life insurance on his life; that designated beneficiaries, transferees or assignees shall have an insurable interest in the life of the person who makes such designation in the manner permitted by a policy of life insurance on his life; etc., and declaring an emergency."

The bill was read second time and passed to engrossment.

#### Senate Bill 16 on Third Reading

Senator Rogers of Travis moved that the Constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 16 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Ashley	McDonald
Bell	Moffett
Bracewell	Parkhouse
Colson	Phillips
Corbin	Rogers
Fuller	of Childress
Hardeman	Rogers of Travis
Hazlewood	Russell
Kazen	Rutherford
Kelley	Sadler
Lane	Secrest
Latimer	Shireman
Lock	Strauss
Martin	Willis

Nays—2

Aikin

Wagon seller

Absent

Moore

Weinert

The President then laid the bill be-

fore the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### Record of Vote

Senator Aikin asked to be recorded as voting "nay" on the final passage of S. B. No. 16.

#### Senate Resolution 164

Senator Sadler offered the following resolution:

Whereas, We are honored to have with us today Mr. Bailey G. Choate of Sweetwater, Texas, Governor of the Texas and Oklahoma District of Kiwanis International; and

Whereas, This outstanding West Texan has been recognized and honored many times for his untiring efforts in the interest of all civic projects in his community; and

Whereas, Mr. Choate is on an official visit to the Austin Kiwanis Club and is now touring the Capitol; now, therefore, be it

Resolved, That the Senate of Texas recognize and welcome this outstanding Texan, and that he be extended the privileges of the floor for the day, and that a copy of this resolution be mailed to him.

The resolution was read and was adopted.

Senator Sadler presented Mr. Choate to the Members of the Senate.

#### Senate Resolution 165

Senator Hardeman offered the following resolution:

Whereas, We are honored today to have in the gallery the Civics Class of Fort Davis High School, Fort Davis, Texas, accompanied by their teachers, Mr. W. L. Young and Miss Lillian Franklin; and

Whereas, These students and guests are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine class of young American citizens are here to observe and learn firsthand the workings of their State Government; now, therefore, be it

Resolved, That we officially recognize and welcome this class and com-

mend them for their interest, and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

#### Message From the House

Hall of the House of Representatives,  
Austin, Texas,  
March 23, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate amendments to House Bill No. 166 by vote of 99 yeas, and 0 nays.

Respectfully submitted,

CLARENCE JONES,  
Chief Clerk, House of Representatives.

#### Senate Resolution 166

Senator Aikin offered the following resolution:

Whereas, The Honorable Tom Gentry, Attorney General of the State of Arkansas, will be in Austin on March 23rd to address the Attorney General's Crime Conference; and

Whereas, He is both a distinguished member of the Bar and an honored citizen of our neighboring State of Arkansas and in both capacities holds the interest and respect of the citizens of this State; and

Whereas, It is a pleasure and a privilege to have him as our guest in Texas; now, therefore, be it

Resolved, By the Senate of the State of Texas, that a hearty welcome be extended the Honorable Tom Gentry and that he be afforded the privileges of the floor of the Senate during his stay in the Capital City.

The resolution was read and was adopted.

Senator Aikin presented the Honorable Tom Gentry to the Members of the Senate.

Mr. Gentry extended greetings from the State of Arkansas to Texas and expressed appreciation for being a guest of the Senate today.

#### House Bills and Resolutions on First Reading

The following bills and resolutions,

received from the House, were read the first time and referred to the committees indicated:

H. B. No. 111, to the Committee on Finance.

H. C. R. No. 40, to the Committee on Civil Jurisprudence.

H. J. R. No. 16, to the Committee on Constitutional Amendments.

H. B. No. 503, to the Committee on Counties and County Boundaries.

H. B. No. 561, to the Committee on Finance.

#### Resolution Signed

The President signed, in the presence of the Senate after the caption had been read, the following enrolled resolution:

H. C. R. No. 42, Relative to article in "Esquire" magazine on the subject of Texas.

#### Senate Bill 2 on Second Reading

Senator Phillips asked unanimous consent to suspend the regular order of business to take up for consideration at this time S. B. No. 2.

There was objection.

Senator Phillips moved to suspend the regular order of business and take up S. B. No. 2 for consideration at this time.

The motion prevailed by the following vote:

#### Yeas—25

Aikin	Moore
Ashley	Parkhouse
Bell	Phillips
Bracewell	Rogers
Colson	of Childress
Corbin	Rogers of Travis
Fuller	Russell
Hazlewood	Sadler
Kazen	Secrest
Kelley	Shireman
Latimer	Strauss
McDonald	Wagonseller
Moffett	Willis

#### Nays—6

Hardeman	Martin
Lane	Rutherford
Lock	Weinert

The President laid the following

bill before the Senate on its second reading and passage to engrossment:

S. B. No. 2, A bill to be entitled "An Act providing for a Presidential Primary; providing for election of delegates to the National Convention; setting forth requirements for conduct of elections; defining the rights, powers and qualifications of delegates."

The bill was read second time.

Senator Phillips offered the following committee amendment to the bill:

Amend S. B. No. 2 by adding a section as follows:

"Section 6a. At the same time and in the same manner herein provided for the holding of presidential preference primaries, there shall be held a vice-presidential preference primary for each such party. All of the provisions hereof which apply to the holding of presidential preference primaries shall apply to the holding of vice-presidential primaries except that the filing fee for a vice-presidential candidate shall be Two Hundred and Fifty (\$250.00) Dollars."

The committee amendment was adopted.

Senator Phillips offered the following committee amendment to the bill:

Amend S. B. No. 2 by amending Section 9 thereof so as to read as follows:

"Section 9. Pledge of Candidates. Binding Effect. Each candidate for delegate or alternate delegate shall submit with his application to the Secretary of State the following pledge, inserting in the proper place the name of his political party.

"If elected as a delegate of the \_\_\_\_\_ party to the National party convention, I pledge myself to vote, on the first ballot taken for the purpose of nominating the party's candidate for President of the United States, and on the first ballot taken for the purpose of nominating the party's candidate for Vice-President of the United States, for the candidate who receives the greatest number of votes in the party's Presidential Primary, and Vice-Presidential Primary, election in the State of Texas, each respectively, and on subsequent ballots, I pledge myself to vote for that candidate favored by a majority of the

party's delegates from the State of Texas."

.....  
Signature of applicant.

"Such pledge shall bind each elected delegate and may be enforced by injunction or other appropriate equitable remedy, at the suit of any qualified voter in the State."

The committee amendment was adopted.

Senator Phillips offered the following amendment to the bill:

Amend Senate Bill 2 by amending Section 13 to read as follows:

"Section 13. Ballots. The Secretary of State shall prepare an official ballot for each Congressional District. At the top of such ballot shall be printed in large letters the words: 'Official Ballot.' Below such words shall be printed the words: 'You may vote for only one political party. An attempt to vote for the nominees of more than one political party will void this ballot.' The ballot shall be divided into sections for each political party subject to this Act, which sections shall be arranged side by side. At the top of each section shall be printed in large letters the words 'Official Ballot of the ..... Party,' inserting in the blank space the name of such party. In each such section shall be written the names of all candidates of such party who have qualified for the office sought in accordance with this Act, and after the name of each candidate there shall be entered the words: 'Favorable to ..... for President,' with the name of the preference inserted in the blank space, if the candidate has indicated a preference in the manner prescribed in this Act. The names of candidates shall be arranged within such sections in columns, each headed by a description of the office sought. A box shall be set opposite and to the right of each name in which the voter may indicate his choice. The number of delegates or alternates of each category to be elected shall be indicated by placing at the head of each column, below a description of the office the following: 'Vote for .....', placing in the blank the appropriate number. In addition to the columns for delegates and alternates to be elected, another column shall be placed in at the right side of each section headed by the words:

'Candidate for President of the United States,' and underneath shall be written the words: 'Vote for one'; such column shall contain the names of the candidates of such party for nomination for President who shall have qualified under the Act, and below the last name, a blank space. Opposite and to the right of each name, a box shall be placed in which the voter may indicate his choice.

"Ballots shall be printed on the same type of paper and shall have similar identifying detachable stubs, and shall be numbered, both on the ballots and on the stubs, as ballots for general elections. There shall be delivered to the election judge of each election precinct a sufficient number of ballots so that each voter entitled to vote in such precinct may be distributed a ballot.

"Prior to the election the election judge shall check all ballots delivered to him to see that they are properly numbered, and shall affix his signature to the back of each ballot. The numbered ballots shall be kept in arithmetic sequence."

The amendment was adopted.

Senator Phillips offered the following amendment to the bill:

Amend Senate Bill 2 by amending Section 14 to read as follows:

"Section 14. Voting. Voters shall be identified and qualified as in general elections, and upon such identification and qualification, the election judge shall stamp the certificate of exemption or poll tax receipt of each such voter with a stamp of wood or rubber with the words: 'Voted in Presidential Primary Election of ..... day of ..... A. D., 19.....', or write the same words in ink and return said receipt or certificate to the voter. The election judge shall then give to the voter a ballot. The voter shall detach the stub of the ballot, affix his signature to the back of same and deposit it in the stub box before depositing his ballot and without disclosing to anyone the stub number. Should the voter be unable to sign his or her name, he shall place the stub face down so as not to expose the number of his stub and shall sign the same with an "X" with the election judge placing the voter's name in the election judge's own handwriting, and the voter shall then drop the stub in the stub box before the voter deposits his ballot. The voter

shall then fold the ballot, after he has marked same, so as to conceal the printing thereon, and so as to expose the signature of the presiding judge on the back of the ballot, then, in the presence of the election judge, deposit the ballot in the proper ballot box. Unless the ballot is deposited in such ballot box and the stub in the stub box by the voter in person, the same shall not be counted as a vote in such election. All ballots cast and all stubs shall be deposited in common ballot boxes and stub boxes, and ballots shall be separated as to party when the ballot boxes are opened for counting. It shall be the duty of the election judge to prevent any voter from casting more than one ballot in any election."

The amendment was adopted.

Senator Phillips offered the following amendment to the bill:

Amend Senate Bill 2 by adding a new section as follows:

"Section 16a. Absentee Voting. Any qualified voter who is absent from the county of his residence, or because of sickness or physical disability cannot appear at the poll place in the election precinct of his residence, on the day of holding any election hereunder, may cause his vote to be cast at such election by compliance with one or the other of the methods provided by law for absentee voting in other elections. The laws regarding absentee voting in other elections shall likewise apply to elections held hereunder."

The amendment was adopted.

Senator Kazen offered the following amendment to the bill:

Amend S. B. 2 by striking out all of Sections 8, 9, and 11 and by striking out any other provisions in the bill relating to the election of delegates or alternate delegates to the National

Conventions wherever they may appear.

Senator Phillips moved to table the amendment.

The motion to table prevailed by the following vote:

**Yeas—16**

Aikin	Rogers
Bracewell	of Childress
Corbin	Rogers of Travis
Fuller	Russell
Hazlewood	Secrest
Kelley	Shireman
Moore	Wagon seller
Parkhouse	Willis
Phillips	

**Nays—14**

Ashley	Martin
Bell	McDonald
Hardeman	Moffett
Kazen	Rutherford
Lane	Sadler
Latimer	Strauss
Lock	Weinert

**Absent**

Colson

Senator Kelley offered the following amendment to the bill:

Amend S. B. 2, as amended, by inserting at the end of the last paragraph of Section 14, a new paragraph to read as follows:

"The same procedure shall be used on the ballot for the office of Vice-President as is provided hereinabove for the office of President."

The amendment was adopted.

The bill, as amended, was passed to engrossment.

**Adjournment**

On motion of Senator Aikin the Senate at 12:15 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

In Memory of  
**Charles H. Newman, Sr.**

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Senator Willis offered the following resolution:

(Senate Resolution 161)

Whereas, On March 17, 1953, Our Heavenly Father, in His infinite wisdom, did call from his earthly labors, Charles H. Newman, Sr., of Fort Worth; and

Whereas, Mr. Newman was a well-known resident, and an outstanding businessman of the City of Fort Worth; and

Whereas, Mr. Newman was born in Rusk, Texas, and came to Fort Worth as a young man to make his living, rising to the managership of the Burrus Mills, the Kimbell Milling Company, and organized the Newman Baking Company in 1940 which merged with the B. C. Reich bakery in 1942 to be known as the Holsum Bread Company, one of Fort Worth's outstanding enterprises, and prior to his death was president and owner of that company; and

Whereas, Mr. Newman was a member of the Shriners, the Fort Worth Club, and past president of the Fort Worth Rotary Club, and a participant in the civic affairs of Fort Worth adding much to our city's growth; and

Whereas, With increasing sense of the loss suffered in the passing of this noble and distinguished Texan, the Senate of the Fifty-third Legislature desires to thus record its sorrow, and to the surviving members of the family of the deceased express its sincerest sympathy and hope that its appreciation and recognition of his useful life may, in some measure, lighten the burden of their bereavement; now, therefore, be it

Resolved, That the Senate of the Fifty-third Legislature adjourn on this day and date in memory of Charles H. Newman, Sr., and that a page in the Senate Journal be dedicated to his memory; and be it further

Resolved, That a copy of this resolution be sent to members of the bereaved family including his widow, Mrs. Charles H. Newman, Sr., of Fort Worth; sons, Mr. C. H. Newman, Jr., Lt. Colonel Frank M. Newman of the Air Force; sister, Mrs. E. A. Cargill of Rusk; and also to the members of the firm of Holsum Bread Company.

The resolution was read and was adopted by a rising vote of the Senate.



**In Memory of**  
**David B. Trammell, II**

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Senator Willis offered the following resolution:

(Senate Resolution 162)

Whereas, On March 17, 1953, Our Heavenly Father, in His infinite wisdom, did call from his earthly labors, David B. Trammell, II, of Fort Worth; and

Whereas, Mr. Trammell was a well-known resident, and an outstanding attorney of the City of Fort Worth; and

Whereas, Mr. Trammell rose from a clerk in the Court of Civil Appeals to practice law first with the firm of Capps, Cantey, Hanger & Short, and in 1919 formed a partnership with the late Edwin T. Phillips, Sr., and just prior to his death was senior member of the firm of Phillips, Trammell, Edwards & Shannon and was a recognized specialist in oil and gas law; and

Whereas, Mr. Trammell was a member of the Arlington Heights Masonic Lodge, a 32nd degree Mason, a member of the Fort Worth Club, the Fort Worth Boat Club, the Exchange Club, the Rivercrest Country Club, a Shriner, a member of the Tarrant County Bar Association, the State Bar of Texas, the American Bar Association; and

Whereas, With increasing sense of the loss suffered in the passing of this noble and distinguished Texan, the Senate of the Fifty-third Legislature desires thus to record its sorrow, and to the surviving members of the family of the deceased express its sincerest sympathy and hope that its appreciation and recognition of his useful life may, in some measure, lighten the burden of their bereavement; now, therefore, be it

Resolved, That the Senate of the Fifty-third Legislature do adjourn on this day and date in memory of David B. Trammell, II, and that a page in the Senate Journal be dedicated to his memory; and be it further

Resolved, That a copy of this resolution be sent to members of the bereaved family including his widow, Mrs. David B. Trammell, II, of Fort Worth; daughters, Miss Margaret Ruth Trammell, Miss Carol David Trammell, Mrs. Alice Louise Poston, all of Fort Worth; and also to the members of the firm of Phillips, Trammell, Edwards & Shannon.

The resolution was read and was adopted by a rising vote of the Senate.